

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE:	§	CASE NO. 17-11585-HCM
DAVID R. CHRISTENSEN AND LISA M.	§	
CHRISTENSEN	§	CHAPTER 7
DEBTORS	§	
	§	
	§	
CROWN MORTGAGE COMPANY, ITS	§	
SUCCESSORS AND ASSIGNS	§	
MOVANT	§	
VS.	§	
DAVID R. CHRISTENSEN AND LISA M.	§	
CHRISTENSEN, DEBTORS AND RON	§	
SATIJA, TRUSTEE	§	
RESPONDENTS	§	

**MOTION FOR RELIEF FROM AUTOMATIC STAY AS TO**  
**613 CHRISTINE DR., MCHENRY, IL 60051**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

**CROWN MORTGAGE COMPANY, ITS SUCCESSORS AND ASSIGNS** (hereinafter Movant), secured creditor and party in interest to the above-styled bankruptcy proceeding files this Motion for Relief from Automatic Stay. In support of its Motion, Movant shows:

**I. JURISDICTION**

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §1334 and 11 U.S.C. §§105 and 362.

2. This is a core proceeding under 28 U.S.C. §157(b)(2)(G).

## II. FACTS

3. On or about December 22, 2017, DAVID R. CHRISTENSEN AND LISA M. CHRISTENSEN (hereinafter Debtors) filed a Voluntary Petition for relief under Chapter 7 of the Bankruptcy Code, thereby initiating the above-styled Bankruptcy Case. Ron Satija is the duly appointed and acting Trustee.

4. On February 22, 2012, David R. Christensen executed that certain Note ("Note") in the original principal amount of \$177,002.00, payable to the order of Crown Mortgage Company.

5. Concurrently with the execution of the Note, David R. Christensen, a single man, executed a Mortgage granting a lien on certain real property ("Property") to secure payment of the Note. The Mortgage grants a lien on the Property described as follows:

LOT 10 IN BLOCK 5 IN FRITZSCHE'S ESTATES FIRST ADDITIN, A SUBDIVISION OF PART OF THE EAST HALF OF GOVERNMENT LOT 1 (EXCEPTING THEREFROM THAT PART LYING IN FRITZSCHE'S ESTATES) IN THE NORTHWEST QUARTE OF SECTION 5, THOWNSHIP 44 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 6, 1956 AS DOCUMENT 312325, IN BOOK 12 OF PLATS, PAGE 87, IN MCHENRY COUNTY, ILLINOIS.

Also known as:  
613 CHRISTINE DR.  
MCHENRY, IL 60051

The Mortgage was duly recorded in the MCHENRY County Deed Records.

6. Debtor alleges to be the current owners of record of the Property.
7. Debtor is in default on the obligation to Movant. Debtor has failed to make installment payments when due and owing pursuant to the terms of the above-described Note.

8. As of March 22, 2018, the status of the indebtedness is as follows:
- a) Debtors are due for June 2017 contractual and subsequent monthly installments, late charges in the amount of \$593.99, Inspection Fees in the amount of \$155.00 and Legal Fees in the amount of \$3,322.00, less suspense balance in the amount of \$0.00. June 1, 2017 through March 1, 2018 payments are \$1,486.96. The unpaid principal balance due and owing to Movant on the Note is \$157,267.02.
  - b) Additional fees have been incurred, including, Movant's reasonable attorney fees and costs in an amount allowable by local practice, rule, or order.

### III. RELIEF FROM THE STAY

9. Movant requests that this Honorable Court terminate the automatic stay pursuant to the provisions of the Bankruptcy Code to allow Movant to exercise all of its rights and remedies against the Debtor under state law, including, inter alia, foreclosing its lien on the Property.

10. Movant alleges that cause exists to lift the stay. Movant's interest in the collateral is not adequately protected. 11 U.S.C. § 362(d)(1).

11. It has been necessary for Movant to hire the law firm of Codilis & Stawiarski, P.C. to collect the debt owed to it through this Court. Pursuant to the Note and Mortgage, Movant is entitled to reimbursement of its reasonable attorneys' fees for their services.

12. Movant requests that an Order granting its motion for relief from automatic stay, if such Order should be entered, will be effective immediately upon entry and, Rule 4001 (a) (3) is waived, and enforcement of such Order will not be stayed until the expiration of fourteen days after entry of the Order.

13. Movant further requests that an Order granting its motion for relief from automatic stay, if

such Order should be entered, will remain in full force and effect if this bankruptcy case is converted to a different Chapter in the United States Bankruptcy Court.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this Court enter an Order granting relief from the automatic stay to allow Movant to exercise and enforce all its rights and remedies against the Debtors as a secured creditor and perfected lienholder to the Property; including, but not limited to, payment of bankruptcy attorney fees and costs, foreclosure and disposition of the Property, payment of costs, expenses, and reasonable attorneys' fees in accordance with the terms of the Note and Mortgage, and for such other relief to which Movant may show itself justly entitled, either at law or in equity.

Respectfully submitted,  
***Codilis & Stawiarski, P.C.***

By: /s/ Sarah S. Cox  
Sarah S. Cox SBOT 24043439  
400 N. Sam Houston Parkway East, Suite 900-A  
Houston, Texas 77060  
Telephone: (281) 925-5200  
Facsimile: (281) 925-5300  
**ATTORNEYS FOR MOVANT**

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Relief from Automatic Stay, was served on April 10, 2018 to the following parties at the addresses indicated by deposit in the United States Mail, first class postage prepaid, and/or by electronic notice on April 9, 2018.

DAVID R. CHRISTENSEN  
LISA M. CHRISTENSEN  
1100 S KENNEY FORT BLVD APT 928  
ROUND ROCK, TX 78665-2033  
**DEBTORS**

GLEN L WORK  
108 EAST BAGDAD AVE. SUITE 300  
ROUND ROCK, TX 78681  
**ATTORNEY FOR DEBTORS**

RON SATIJA  
P.O. BOX 660208  
AUSTIN, TX 78766  
**CHAPTER 7 TRUSTEE**

#### **ENTITY WITH INTEREST IN PROPERTY:**

UNITED STATES TRUSTEE  
615 E HOUSTON, SUITE 533  
SAN ANTONIO, TX 78205

#### **PARTIES REQUESTING NOTICE:**

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
RE: MATRIX FINANCIAL SERVICES CORPORATION  
ATTN: ABBEY U. DREHER  
4004 BELT LINE RD STE. 100  
ADDISION, TX 75001

CROWN MORTGAGE COMPANY  
6141 W 95TH STREET  
OAK LAWN, IL 60453  
**MOVANT**

***Codilis & Stawiarski, P. C.***

/s/ Sarah S. Cox  
Sarah S. Cox SBOT 24043439  
**ATTORNEYS FOR MOVANT**